

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Chaplain Harold Burney gave the invocation, and Vinland Elementary School student Todd Prieto led the Pledge of Allegiance to the Flag.

PROCLAMATION OF FUEL CELL VEHICLE DAY - MAYOR AND CITY COUNCIL

PROCLAMATION OF BIKE WEEK - MAYOR AND CITY COUNCIL

RESOLUTION OF COMMENDATION TO CALIFORNIA STATE UNIVERSITY, FRESNO WOMEN' S BASKETBALL TEAM AND COACH - ACTING PRESIDENT CASTILLO

PROCLAMATION OF VETERANS APPRECIATION MONTH - COUNCILMEMBER DAGES

PRESENTATION OF STUDENT RECOGNITION CERTIFICATES TO DISTRICT 4 STUDENTS - ACTING PRESIDENT CASTILLO

PRESENTATION OF STUDENT RECOGNITION CERTIFICATES TO DISTRICT 7 STUDENTS - COUNCILMEMBER PEREA

The above proclamations, resolutions and certificates were read and presented.

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**APPROVE MINUTES OF MAY 6, 2003:**

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of May 6, 2003, approved as submitted.

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**COUNCILMEMBER REPORTS AND COMMENTS:**

COMMENDATION TO POLICE DEPARTMENT ON SUCCESS OF GRAFFITI REMOVAL EFFORTS - COUNCILMEMBER CALHOUN

Citing a report from the city manager, Councilmember Calhoun commended the police department, and City Manager Hobbs advised of damage costs and arrest figures in the various areas of the city.

GROUPS AND BUSINESSES FOR 6<sup>TH</sup> GRADE GRADUATES FROM NINE DISTRICT 3 SCHOOLS - COUNCILMEMBER STERLING

Announcement made.

RENOVATION OF DISTRICT 6 WEBSITE (WWW.FRESNO6.COM) DOCUMENTING THE CONDITION OF THE CITY'S FIRE STATIONS - COUNCILMEMBER DUNCAN

Announcement made with Councilmember Duncan encouraging all to visit the website.

REPORT FROM AUDITORS RELATIVE TO FINANCIAL ISSUES WITH COMMUNITY FACILITIES DISTRICT NO. 2 - COUNCILMEMBER DUNCAN

Councilmember Duncan noted the report clearly indicated there were issues that needed to be addressed, with City Manager Hobbs responding and recommending the issue be addressed during budget hearings.

PRIOR ACTION DIRECTING STAFF TO REBID THE AB 939 COMPLIANCE CONTRACT - ACTING PRESIDENT CASTILLO

Acting President Castillo expressed concern that direction was given 7 to 8 months ago to rebid the contract and requested staff schedule a report to Council in one week on the issue.

**(2 - 0)** "SUDZ IN THE CITY" EVENT ON MAY 17<sup>TH</sup> AT THE DOWNTOWN STADIUM - COUNCILMEMBER STERLING

Councilmember Sterling encouraged the community to participate in the event stating this would be an opportunity to support Fulton Mall and downtown area businesses/merchants who will be providing the food at the event.

ANNOUNCEMENT OF CITY COUNCIL/MEDIA SOFTBALL TOURNAMENT ON MAY 17<sup>TH</sup> AT DRY CREEK ELEMENTARY SCHOOL - PRESIDENT BOYAJIAN

Announcement made.

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**APPROVE AGENDA:**

**(1-J) \* RESOLUTION - 14<sup>TH</sup> AMENDMENT TO PAR 2002-217 ADDING TWO (2) POLICE CADET POSITIONS, DELETING ONE (1) PROGRAMMER/ANALYST POSITION, AND CONVERTING TWO (2) PERMANENT PART-TIME D.A.R.E. INSTRUCTORS TO WAGES HOURS IN THE POLICE DEPARTMENT**

Removed from the agenda by staff; to be rescheduled.

**(10:00 A.M.) REPORT ON OPERATION CLEAN AIR - MAYOR'S OFFICE**

**1. STAFF PRESENTATION, COUNCIL DISCUSSION, AND DIRECTION TO STAFF REGARDING THE 2% EMISSION REDUCTION RECOMMENDATION REPORT - COUNCILMEMBER CALHOUN**

City Manager Hobbs advised the Mayor's report was being postponed to a future meeting so that more representatives from the 11 different sectors could be present. Upon question Councilmember Calhoun stated this would not affect his item.

**DIRECT STAFF TO SCHEDULE A PRESENTATION/UPDATE REPORT ON MEETINGS WITH THE CITY OF CLOVIS, THE BOARD OF SUPERVISORS, FRESNO UNIFIED, CENTRAL UNIFIED AND CLOVIS UNIFIED ON THE POSSIBLE FORMATION OF A TRANSPORTATION AUTHORITY - ACTING PRESIDENT CASTILLO**

Acting President Castillo directed staff to schedule a presentation by him in three weeks. So directed.

hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Dages, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**CONSIDER CONSENT CALENDAR:**

**Public Comment:**

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-F** stating she was still concerned about the health effects of the Crippen Fire on the community and elaborated; and spoke to the importance of Item **1-H** and questioned why the City had to reimburse the State.

**ADOPT CONSENT CALENDAR:**

**(1-A)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO KEMIRON COMPANIES, INC., OF LAWRENCE, KS, IN THE AMOUNT OF \$638,835.75 FOR FERRIC CHLORIDE

**(1-B)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO VULCAN CONSTRUCTION & MAINTENANCE, INC., OF FRESNO, IN THE AMOUNT OF \$801,750 FOR POLYBUTYLENE SERVICE REPLACEMENT

**(1-C)** APPROVE THE PURCHASE OF A VACANT LOT IN FEE TITLE AT MCKINLEY AND FREEWAY 41 FOR A NEW CITY WATER WELL SITE FOR PUMP STATION NO. 4b FOR A TOTAL PRICE OF \$105,000, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

**(1-D) RESOLUTION NO. 2003-141** - INTENT TO ANNEX FINAL TRACT NO. 4993 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 51, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

**(1-E) RESOLUTION NO. 2003-142** - ORDERING THE SUMMARY VACATION OF A PORTION OF SIERRA AVENUE WEST OF JEANNE AVENUE

**(1-F) RESOLUTION NO. 2003-143** - CONTINUING RESOLUTION NO. 2003-116 PROCLAIMING A LOCAL EMERGENCY RELATING TO THE FIRE AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF MARKS AND NEILSEN AVENUES

**(1-G) RESOLUTION NO. 2003-144** - REPEALING PREVIOUSLY ADOPTED ANNEXATION NO. 44 ACTIONS INCLUDING RESOLUTION NOS. 2003-50, 2003-79, 2003-81 AND ORDINANCE NO. 2003-21, AND INTENT TO ANNEX TRACT NO. 5071 AS ANNEXATION NO. 44 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2 AND AUTHORIZE THE LEVY OF SPECIAL TAXES

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Dages, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**CONTESTED CONSENT CALENDAR ITEMS:**

**(1-I) AWARD THREE REQUIREMENTS CONTRACTS FOR DIGITAL COPIERS**

1. AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR DIGITAL COPIERS, SECTION I (18 COPIES PER MINUTE), TO IMAGE 2000 OF FRESNO IN THE AMOUNT OF \$8,402.50
2. AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR DIGITAL COPIERS, SECTION II (20-25 COPIES PER MINUTE), AND SECTION III (35 COPIES PER MINUTE) TO CALIFORNIA BUSINESS MACHINES OF FRESNO IN THE AMOUNT OF \$32,668.99 AND \$37,543.20 RESPECTIVELY, FOR A TOTAL OF \$70,212.19
3. AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR DIGITAL COPIERS, SECTION IV (50 COPIES PER MINUTE), TO IKON OFFICE SOLUTIONS OF FRESNO IN THE AMOUNT OF \$61,461.78

Purchasing Manager Taggart responded to questions of Councilmember Calhoun relative to whether any savings could be realized by purchasing the machines jointly with Fresno County and if staff had given any thought to contacting them on the issue. Upon further question Ms Taggart stated it was a good idea and staff would consider contacting Fresno County in future purchases.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the three above entitled requirements contracts for digital copiers awarded as outlined, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

**(1-H) \* RESOLUTION NO. 2003-145 - 83<sup>RD</sup> AMENDMENT TO AAR 2002-216 APPROPRIATING \$17,000 FROM THE UNEMPLOYMENT INSURANCE FUND TO COVER A SHORTFALL (FUND THE REIMBURSEMENT TO THE STATE OF CALIFORNIA FOR UNEMPLOYMENT BENEFITS)**

Acting President Castillo stated he had a concern with the amount of unemployment insurance the City pays out and commented on and presented questions on how much money was in the fund, if funds were allocated on a fiscal or calendar year basis, how much was in the fund for the remainder of the fiscal year, the recession being at issue and not getting better any time soon and concern with amount being paid out, what qualifies an individual to receive unemployment insurance through the City, request to staff to provide a list of the positions now claiming unemployment insurance to ascertain circumstances for job termination/release, if the City has a right to challenge an employees receipt of unemployment insurance if the employee was not doing his/her job, how much money will be left over at the end of this fiscal year if pay-outs are as costly as the last three months, and if unemployment insurance was the employees' money, with Personnel Services Director Gonzales, City Manager Hobbs, Risk Manager Turner and City Attorney Montoy responding to questions and clarifying issues.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-145 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3-A) DESIGNATION OF CITY VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES SPECIAL MEETING OF THE GENERAL ASSEMBLY ON MAY 15, 2003**

City Manager Hobbs noted at issue was designating the city manager as the voting delegate and Councilmember Perea as the alternate; stated this was going to be an important session as it would formally establish the League's position in the State budget crisis; and summarized the draft resolution in Council's packet and the League's position.

Barbara Hunt, 2475 S. Walnut, spoke to and in support of the issue.

Councilmember Duncan questioned how the resolution addressed the League's past behavior relative to tax increases and what the basis would be of a "yes" or "no" vote, with Mr. Hobbs responding. Councilmember Duncan stated his concern was the resolution did not explicitly state the budget problem could be solved without massive tax increases, noted the League's past experience has been to promote tax increases, and stated because that issue was not in the resolution he could not support sending a delegate to the meeting without a clear, formal City position. Acting President Castillo stated Section 1(a) possibly addressed Councilmember Duncan's concern and he felt the resolution was a good one.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, City Manager Hobbs designated voting delegate and Councilmember Perea designated alternate voting delegate for the League of California Cities special meeting of the General Assembly on May 15, 2003, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
Noes :	Duncan
Absent :	None

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**(4-C) REQUEST THE JUNE 3, 2003, JOINT MEETING WITH THE MADERA COUNTY BOARD OF SUPERVISORS BE RE-SCHEDULED - PRESIDENT BOYAJIAN**

President Boyajian requested the meeting be rescheduled as the now scheduled date was right in the middle of the City's budget hearings. Upon question, City Clerk Klisch advised July 15<sup>th</sup> or July 22<sup>nd</sup> would work best with Madera. Councilmember Calhoun stated he felt a July meeting might be too soon, noted a Council sub-committee was appointed to refine the issues agreed upon at the last joint meeting and he felt Council was not prepared to discuss those issues and questioned if there was a plan, and stated he felt a meeting in the fall might be more appropriate to allow the sub-committee to meet. Acting President Castillo stated he was going to schedule the issue for discussion but he first wanted to pitch the idea of a transit authority to elected Clovis and Fresno County officials and explained, spoke in support of scheduling a meeting in July stating he felt there would be enough issues to discuss on both sides at that time, and added putting off the meeting any further would delay working on a solution. Councilmember Dages spoke in support of July 22<sup>nd</sup>, Councilmember Perea suggested the sub-committee get together and report back with a date, and President Boyajian noted Acting President Castillo, as the sub-committee co-chair, supported the July 22<sup>nd</sup> date. Councilmember Calhoun reiterated a number of issues were discussed at the last joint meeting with Madera and encouraged the sub-committee to not bring in Clovis or another issue that was not previously agreed upon.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the joint meeting with the Madera County Board of Supervisors rescheduled for July 22, 2003, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

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**(10:00 A.M. (REPORT ON OPERATION CLEAN AIR - MAYOR'S OFFICE - *Removed from the agenda earlier in the meeting*)**

**1. STAFF PRESENTATION, COUNCIL DISCUSSION, AND DIRECTION TO STAFF REGARDING THE 2% EMISSION REDUCTION RECOMMENDATION REPORT - COUNCILMEMBER CALHOUN**

Director of Transportation Lagos, Transit Manager Rudd and Transportation Manager Madewell gave a power point presentation and lengthy overview of the Emission Reduction Report including the study that was undertaken by staff, what the study revealed, air quality projects **(3 - 0)**, recommendations and full implementation cost, and an update on specific RACMs (reasonably available control measures) and BACMs (best available control measures) currently underway and those that have been implemented.

Councilmember Calhoun commended staff on the report and for all their work and research, stated there was a real possibility the efforts identified by staff could be carried forward over the next three years, spoke briefly to (1) the positive efforts already under taken by the City, (2) the \$10 million currently funded and moving forward on a number of projects, and the \$17 million still needed to fully implement the strategies, and (3) the importance of proper land use planning to sustain any improvements in air quality, and made two motions giving direction to staff, which motions were seconded and later acted upon.

download on his district's and the City's website and presented questions relative to funding plans to expand the Herndon and Friant off-ramps and status of the car-pooling program with other governmental entities. Acting President Castillo spoke in support of the first motion and need for a timeframe for implementation, on the need to be aggressive with incentives, the importance of land use planning, and issues relative to Measure "C". Councilmember Perea spoke to various issues/presented questions at length and relative to the baseline that was established, implementation of the recommendations, new measures/programs and which ones were carry-overs, support for a mass transit promotion program, reduced fee or free bus service for City employees, possibility of Fresno being the only transit service provider for the Fresno Unified School District, alternative fuel/low emission vehicles for city fleet, cities with the same problems as Fresno and if any research has been done on what they are doing that Fresno is not, what the biggest impact was on the air and what staff would focus on if cost was not an object, if staff was aware of government funding for Las Vegas' monorail system **(4 - 0)**, federal highway funds that would be lost if Fresno does not go to the extreme designation, ability to re-prioritize the current federal allocation, and request for clarification on the motion relative to what would be implemented. Councilmember Duncan questioned if the Clean Air Advisory Committee established by the municipal code still existed and if there were any plans to reactivate it. Mr. Madewell, Mr. Lagos, Mr. Rudd, City Manager Hobbs and Councilmember Calhoun responded throughout the discussion to questions.

Speaking to the issue were: Gloria Torrez who stated the air quality level was due to sanctions not being met, spoke to staff and the Clean Air Advisory Committee choosing clean air diesel buses as they were more cost effective and performed better, spoke to funding and buses being paid for and not coming in, need for input from bus riders, need for improved bus service and increased frequencies on key lines, natural gas being more costly, and need for FAX money staying with FAX and not going to highways; Barbara Hunt, 2475 S. Walnut, who spoke to the increased population and questioned if current bus service was adequate, the need for bus maintenance, airplanes/farmers/pesticides and other contributions of air pollution, and congested roads; and Beverly Walters, 1535 S. Cedar, who questioned why passengers were allowed to "jam in" on FAX buses when it was against the law for students to stand in school buses, with Mr. Rudd responding.

Mr. Hobbs stated staff was working very hard on the all the options and was trying to implement as many as possible as quickly as possible; advised how the first motion could be implemented if passed; and citing comments made on Measure C spoke to his prospective on the groups that opposed it, with President Boyajian responding on the Measure C issue. Councilmembers Duncan, Castillo, Sterling and President Boyajian commended staff and commented on the issue including the report and recommendations being a good start, the report showing the public the extraordinary costs and what it will take to make a real impact on our air quality, need for community input, timeline for staff to report back with an implementation plan (with Mr. Lagos stating 60 to 90 days), and causes of air pollution, efforts undertaken, and need to go further.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to develop an implementation plan and funding strategy to achieve improved air quality, encompassing elements of the 2% Emission Reduction Recommendation Report, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the City Manager directed to develop an additional report incorporating the status of current implementation and additional land use strategies related to air quality to possibly include the consideration of city ordinances, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None

Councilmember Calhoun stated he felt the second motion addressed President Boyajian's comments on causes of air pollution and the need to go further, with Mr. Hobbs and President Boyajian briefly responding.

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OF THE EXPIRATION OF MEASURE C IN 2006. REPORT SHOULD CONTAIN, BUT NOT BE LIMITED TO, INFORMATION ON THE IMPACT TO PUBLIC TRANSPORTATION, NEIGHBORHOOD INFRASTRUCTURE AND MAJOR ROAD REPAIRS - COUNCILMEMBER DUNCAN

Councilmember Duncan reviewed the issue, stated there was no guarantee there would be efforts to approve a new Measure C, stated the impact would be huge as Measure C paid for neighborhood infrastructure, and stated in light of 2006 being only a couple of budgets away he wanted an analysis on the impact to the city and made a motion to direct staff as outlined above.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Acting President Castillo stated there was one shot left at Measure C and strongly suggested the people opposing it be taken seriously.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff directed to return by June 17, 2003, with a full report explaining the impact on the City of the expiration of Measure C in 2006, with the report to contain, but not be limited to, information on the impact to public transportation, neighborhood infrastructure and major road repairs, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(4-B) UPDATE FROM STAFF ON STATUS OF THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE ESTABLISHED IN OCTOBER, 2002 - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated Council had not heard much on the committee, stated the group needed to be in place and operational with the new budget coming up and work to be done, and requested an update on how members could be appointed. Assistant Public Works Director Elam advised staff met a number of times on the committees' authorities and responsibilities, stated the committee was ready to be moved forward, and advised staff would be submitting an informational packet to Council on the process so names could be submitted and appointments made. There was no further discussion.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

APPEARANCE BY BARBARA HUNT, 2475 S, WALNUT, REGARDING SOUTHWEST FRESNO BOUNDARIES (DISPLAYING A MAP ON THE OVERHEAD TO ILLUSTRATE)

Appearance made/no action taken.

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**(5) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF JENNIFER ANNE MANSON, AND CLAIM OF SIDNEY LAUREN NGUYEN ( A MINOR), BY AND THROUGH JENNIFER ANNE MANSON, HER GUARDIAN AD LITEM**

**(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: SOLTEK PACIFIC V. CITY OF FRESNO, ET AL; MAULDIN DORFMEIER CONSTRUCTION, INC., SAN JOAQUIN TAXPAYERS ASSN. V. CITY OF FRESNO AND MAULDIN DORFMEIER CONSTRUCTION, INC.**

## CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Item "A", Claim of Jennifer Anne Manson, and Claim of Sidney Lauren Nguyen (a minor), by and through Jennifer Anne Manson, her Guardian Ad Litem, the City Council rejected the claims on a vote of 5 to 2 with Councilmembers Duncan and Sterling absent.

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 12:20 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

**APPROVED** on the 20th day of May, 2003.

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Tom Boyajian, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk